

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 26, 2011

PRESENT: Marshall, Barboza, Teixeira, and Parella

ABSENT: Herreshoff (due to illness)

ALSO PRESENT: Michael A. Ursillo, Esq., Town Solicitor
Marshall J. Netto, Town Sergeant

ALSO ABSENT: Town Administrator Mederos

The Council met in regular session on Wednesday evening, January 26, 2011 in the Town Hall, Council Chambers, beginning at 7:04 o'clock PM, Council Chairman Marshall presiding:

Special Recognition

Bristol Mustangs

Council Chairman Marshall noted the presence of a majority of the participants in the 2010 Bristol Mustang's Pee Wee Football program and championship team. He congratulated those present and read the following Commendation into the record:

State of Rhode Island and Providence Plantations
Town of Bristol

Commendation

awarded to

Bristol Mustangs Pee Wee Football

in recognition of their achievement in winning the
2010 RISMA Division 1 Junior Pee Wee Football State
Championship.

As the duly elected representatives of the citizens of the Town of Bristol we hereby commend these participants of the Bristol Mustangs Football program upon their success:

Players : Ajay Bernardo, Vincent Berretto, Zach Burke,
Caden Cabral, Aidan Cassidy, Chris Charpentier,
Matthew DeFelice, Matthew Ditondo, Eli Joseph, Connor McKenna, Damien Mendoza, John Molloy, Maxwell Moskala, Aaron Myers, Cam Nappi, Connor Padovich, Robert Passerello, Ryan Ramos, Jaydin Silvia, Jeff Silvia, Keith Stephenson, and Nick Teves

Coaches: David A. Ramos, Ted Moskala, Mike Teves, Mark DeFelice, Dave Nappi, Chris Moskala and Henry Cabral

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Team Moms: *Stephanie Ramos, Peggy DeFelice,
and Pauline Berretto*

In witness whereof we have hereunto set our hands and affixed the Seal of the Town of Bristol on adoption this Twenty-sixth day of January, A. D. Two-thousand Eleven.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Chairman
/s/ David E. Barboza, Vice-chairman
/s/ Antonio A. Teixeira, Councilman
/s/ Halsey C. Herreshoff, Councilman
/s/ Mary A. Parella, Councilwoman
Attest: /s/ Louis P. Cirillo, CMC, Council Clerk

Special Recognition by State Ambulance Board

Councilman Barboza noted the presence of Samuel Adams, of the Division of Training from the State Department of Health and explained that Mr. Adams was present this evening in order to present certificates of merit to Bristol emergency services personnel.

Mr. Adams noted that he was present to represent Director of the Health Department, David R. Gifford, M.D. and provided certificates to the following persons:

Ed Lima
Kyle Boyd
Chris Abisla
Joe Teixeira
Lisa King
Henry Linder
Rick Giannini
Julie Veader
Paul Medeiros
Bob Martin

Mr. Adams explained that the certificate recipients, members of the fire, rescue, and police departments and also Paramedic Systems, participated heroically as a team in a rescue call on November 9, 2010, which resulted in the saving of the life of a person who had experienced cardiac arrest.

The Council extended its congratulations to the recipients with the collective thanks of the Town.

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MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Teixeira - Voted
unanimously to approve the Consent
Agenda withholding docket items
AA9, R35, R36 and R39 for further
discussion.

Prior to the vote taken, Councilman Teixeira requested to
withhold docket items AA9, R35, R36 and R39.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - January 5, 2011

Barboza/Teixeira - Voted
unanimously to approve these
minutes as prepared and presented.

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

**Approval of consent agenda="Motion to receive and place
these items on file."**

1. Zoning Board of Review - October 4, 2010
2. Zoning Board of Review - December 6, 2010
3. Historic District Commission - December 2,
2010
4. Bristol County Water Authority - Board of
Directors, December 8, 2010
5. Bristol County Water Authority - Audit
Finance Committee, January 5, 2011
6. Bristol County Water Authority - Engineering
Committee, January 5, 2011
7. Bristol County Water Authority - Public
Relations/Personnel Committee, January 5,
2011
8. Bristol County Water Authority - Board of
Directors, January 12, 2011
9. Harbor Commission - January 10, 2011

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Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Teixeira asked to know if the matter relating to the Harbor Master's qualifications and requirements was added to the Harbor Management plan with Council Chairman Marshall noting that the Plan was amended accordingly.

Councilman Teixeira also stated that he was disappointed to learn that a motion by Dr. Thomas Breslin that the Commission should appear before the Town Council at least quarterly failed due to lack of a second.

10. Board of Fire Engineers - January 3, 2011

11. Bristol Housing Authority - December 9, 2010

B. OLD BUSINESS

1. Debra A. Cabral, 191 State Street - request for removal of the handicap parking space in front of 193 State Street, **2nd reading**

Barboza/Teixeira - Voted
unanimously to consider this action
to be the second reading for
adoption of a request to remove a
handicap parking space. Inform the
Department of Public Works.

2. Domenic Raiola, 45 Shore Road re flooding from spring storms, **continued from January 5, 2011**

Barboza/Teixeira - Voted
unanimously to refer this matter to
the Town Solicitor and Town
Administrator and to continue same
until February 16, 2011.

Prior to the vote taken, Mr. Raiola thanked the Council for arranging for the meeting with staff-representatives of Sens. Whitehouse and Reed.

Mr. Raiola informed the Council that his property was re-zoned and that he must now reapply for assistance. He added that the person he must reapply to is the same adjuster who he applied to in the first place.

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Mr. Raiola also repeated some of his earlier testimony relating to the damage he experienced.

Alicia Raiola asked if the Town received funds to be disbursed to those with flood damage with Council Chairman Marshall responding that Town Administrator Mederos is working with the State regarding these funds.

Ms. Raiola stated that she believed that Mr. Raiola was "getting the runaround" regarding this matter.

Town Solicitor Ursillo suggested that he might speak to Town Administrator Mederos regarding this matter and that he has some ideas. He agreed to follow-up with the Administrator.

Ms. Raiola stated that she was frustrated to attend meetings and that nothing happens thereafter.

Councilwoman Parella asked to know if Mr. Raiola received any funds for the clean-up and also if the damaged area had been reconstructed with Mr. and Ms. Raiola explaining that only the clean-up and some basic plumbing has been thus-far completed and that this cost totaled approximately \$30,000. Mr. Raiola added that the cost of these repairs came from an annuity.

Fire Chief Martin noted that the FEMA funds which came to the Town are intended to reimburse the Town for flood damage related expenses. He added that he did not believe that these funds can be expended upon private property.

Town Solicitor Ursillo agreed to have a report for the next meeting regarding this matter.

3. Councilwoman Parella re Garfield Avenue (Mary Gaspar), **continued from January 5, 2011**

LATE ITEM

- a. Director of Public Works Serbst re catch basin located at 102 Wood Street (rear of property)

Teixeira/Barboza - Voted unanimously to continue this matter until the meeting of February 16, 2011 and also to instruct the clerk to send correspondence to Kevin Aguiar with a copy to Ms. Gaspar asking if it may be possible to install a new catch basin as part of the Tanyard Brook project.

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Prior to the vote taken, Council Chairman Marshall reported that the Town examined the previously discussed catch basin (on the rear of the property of 102 Wood Street) and found that it is not connected to anything. A discussion ensued regarding this catch basin with Water Pollution Control Superintendent Calderiso informing the Council that the catch basin was "not jet-able." He speculated that the catch basin may have been installed by a previous property owner as a "dry well."

Councilwoman Parella asked to know if the catch basin on the opposite side of Woodlawn Avenue is serviceable with Water Pollution Control Superintendent Calderiso responding that it is.

In a further discussion concerning the 102 Wood Street "catch basin" Water Pollution Control Superintendent Calderiso informed the Council that it was not likely that the Town would have installed a catch basin on private property.

A further discussion ensued regarding the possibility of installing a new catch basin in conjunction with the Tanyard Brook project.

4. Marina Peterson, 38 Thompson Avenue, on behalf of the Bristol East Bay Patriots Citizens' Watch Committee re objection to proposed BCWA "Efficiency Audit" and request for attendance of the Council and Bristol appointed BCWA directors at the open meeting to be held January 25, 2011, **continued from January 5, 2011**

Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting of February 16,
2011.

Prior to the vote taken, Council Chairman Marshall observed that the meeting regarding the Bristol County Water Authority was "well run and coordinated." He added that the video of the meeting will appear on Full Channel TV, Channel 9 and also on COX Communications Channel 18, at a time to be determined in the near future.

Council Chairman Marshall added that the Council plans to convene a special meeting/workshop once the results of the performance audit become available in order that the Council

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may analyze these results. He added that the Council plans to work along with the Water Authority in order to resolve and problems made apparent by the audit.

Council Chairman Marshall observed that officials from the State Water Resources Board and also the Providence Water Authority stated that an alternate water source would be desirable. He added that a "major theme" emerging from the meeting was the value of the Shad Reservoir, etc., as a second source.

Council Chairman Marshall also noted that the current water supply is a "hybrid" with seventy percent (70%) coming from Scituate and the remainder coming from the traditional Bristol County Water supply sources.

Councilwoman Parella stated that she has been a consistent proponent of a redundant water supply and that it is State policy that the second source should remain available not only as a back-up but also to prevent Bristol County from being "at the mercy of the Providence Water Supply Board."

Councilwoman Parella added that once the connection to the Massachusetts reservoirs is severed it can never be reestablished.

Councilwoman Parella added that the Scituate supply is already overtaxed and a single supply leaves citizens vulnerable to terrorism.

Councilman Teixeira reported that the representative of the Providence Water Supply Board indicated that the Board may not be able to provide water to Bristol County in the future.

Councilman Barboza reported that it is cheaper for BCWA to produce water than to purchase it from Providence.

Council Chairman Marshall noted that the "concerned citizen questions" were provided for the record.

5. Council Clerk Cirillo re LNG matching funds to Save The Bay (Notification #6 - December 1, 2010 through December 31, 2010)

Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file.

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6. Jonathan Stone, Executive Director, Save The Bay re LNG matching fund program update

Parella/Barboza - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilwoman Parella stated that the report was "well done and lays-out succinctly what Save The Bay is doing with the funds."

Councilman Barboza noted a passage in the report that reads "Hess remains undaunted, and continues to dismiss the numerous local, state, and Federal agency objections..."

Councilman Barboza added that the Council should send its own "message" to Hess indicating "we're not going away and hopefully you will."

Council Chairman Marshall noted that a recent newspaper 'Political Fact Meter' indicates that there is already a sufficient supply of natural gas in Rhode Island.

7. Gregg Landes, Vice President, Project Manager, Weaver's Cove Energy re reply to letter of December 22, 2010

Barboza/Teixeira - Voted unanimously to receive and place this matter on file.

8. Director of Community Development Williamson re Animal Shelter Capital Project Committee status report

Teixeira/Barboza - Voted unanimously to receive and place this matter on file.

9. Daniel J. Archetto, attorney representing Allstate Insurance Company/Hazellanne Sousa re claim for property damage (claim previously filed by Allstate and referred to Insurance Committee, September 15, 2010)

Barboza/Teixeira - Voted unanimously to deny the claim and to refer this matter to Town Solicitor Ursillo and the Interlocal Trust.

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10. Councilman Teixeira re adjustments to audit reports of the Bristol County Water Authority
 - a. Sandra Mack Matrone, counsel for Bristol County Water Authority re adjustments

Teixeira/Barboza - Voted unanimously to refer this matter to the tri-Town Council meeting when the Councils will receive the Water Authority Audit.

Prior to the vote taken, Councilman Teixeira explained that he reviewed three separate audit report transmittals received by the Council and found discrepancies concerning legal fees. He added that he believes that the information provided in these reports should be clarified.

Councilman Teixeira also questioned two reports having the same date with conflicting figures and also why there was an adjustment appearing on January 2008.

Councilman Teixeira also expressed concern that the tone of Attorney Mack's response was "cautious." He added questions as to why so much was spent on legal fees and also if the Water Authority's finances had been more "transparent" would the expenditure on legal fees have been necessary.

Councilman Teixeira also expressed concern that the response to his inquiry regarding finance was answered by the Authority's attorney and not from its accounting department.

11. Proposal of B&E Consulting, LLC for the performance audit of the Bristol County Water Authority

Barboza/Teixeira - Voted unanimously to receive and place this matter on file.

BB. SPECIAL /STATUS REPORTS

1. Town Administrator Mederos re Department Head Reports
 - a. Public Works - October 2010 through November 2010, inclusive

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- b. Building Inspection - January 1, 2010 through December 31, 2010
- c. Parks and Recreation - January 2011
- d. Community Development - May 2010 through September 2010
- e. Community Development - October 2010 through December 2010

Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file with thanks to
the various departments providing
reports.

Prior to the vote taken, Councilman Teixeira asked to know if the Town has ceased to provide covers for green recycling containers.

A discussion ensued regarding a recent controversy concerning the Public Works Department mixing recyclables with landfill waste.

Council Chairman Marshall noted that residents may bring their recyclables directly to the transfer station when storm events disrupts the regular trash/recycling pickup schedule.

Councilman Barboza noted that some neighborhoods did not receive trash collection on schedule during the recent storm events.

Councilwoman Parella noted that the Town apparently asked for authorization from the State to mix recyclables with landfill waste and was denied permission. She suggested that the Town may wish to develop a new policy regarding the acceptance of recyclables when regular trash collection is disrupted and to advertise same on the Town's website.

Councilwoman Parella also noted that residents may bring their regular rubbish to the transfer station at no charge and that the fees are charged only "for big stuff."

- 2. M. Candace Pansa, Executive Director, Bristol Housing Authority re 2010 Annual Report (M. Candace Pansa distributed and reviewed report at January 5, 2011 meeting)

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Barboza/Parella - Voted unanimously to receive and place this matter on file.

C. PUBLIC HEARINGS

1. Gerald P. Romano, Chairman, Bristol Housing Authority - request for abandonment of a portion of Sheffield Avenue, Dittemore Avenue, Paull Street, and Slattery Street, Davis Place, and a temporary right of way, **continued from December 8, 2010**

Barboza/Parella - Voted unanimously to continue this matter until the meeting of February 16, 2011.

Prior to the vote taken, the Clerk informed the Council that he is in receipt of a request from the Housing Authority to continue this matter due to the inclement weather and poor road conditions this evening.

2. Director of Community Development Williamson re Harbor Management Plan update, **2nd reading for adoption (continued from January 5, 2011)**
 - a. Director of Community Development Williamson re recommended revision to Plan
 - b. Director of Community Development Williamson re Save Bristol Harbor recommended amendments to Plan
 - LATE ITEM** c. (Harbor Master's Office) re Mooring Field Perimeter Mapping revisions to Plan

Barboza/Teixeira - Voted unanimously to close the public hearing.

Barboza/Teixeira - Voted unanimously to consider this action to constitute the second reading for adoption of the Harbor Management Plan update, incorporating those amendments as recommended above and also to

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incorporate the Mooring Field
Perimeter Mapping revisions.

Prior to the votes taken:

Council Chairman Marshall noted that the public hearing remained in session.

Speaking in favor of the updated plan, as revised, was Domenic Franco, Chairman of the Harbor Commission. He informed the Council that he and the Commission were in favor of all of the recommended amendments.

Joseph Arruda, representing Save Bristol Harbor, informed the Council that the added verbiage, as recommended by his organization, considers watershed issues with a focus on water quality and that flow-data is also considered.

He added that a mathematical model of water flow and circulation is now available and that this model will allow the Town to predict the effects of new developments, docks, etc. upon water quality. He also explained that this model was developed with assistance from Brown University and University of Rhode Island professors.

Mr. Arruda explained that he would like to return in March to review the workings of the model for the benefit of the Council.

Council Chairman Marshall noted receipt of a nomination form for environmental accomplishments. He added that the efforts of Save Bristol Harbor came to mind when he received this nomination form. He asked Recreation Director Burke if he might prepare a nomination for the Town naming Save Bristol Harbor as the nominee. Recreation Director Burke agreed to complete the nomination.

Mr. Arruda reminded the Council that the water quality data development was "a group effort."

James Dollins, also a member of the Harbor Commission, informed the Council that he, too, was in favor of the plan as amended.

There was no remonstrance presented in opposition to the plan, as amended.

D. ORDINANCES

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1. Director of Community Development Williamson re Harbor Management Plan update, **2nd reading for adoption (continued from January 5, 2011)** (see items C2-C2C also)

It is hereby noted for the record that discussion and action regarding this agenda item took place as part of agenda item C2 above.

2. Ordinance #2011-01, CHAPTER 17, Offenses and Miscellaneous Provisions, Article I, In General, Section 17-10, Holiday sales, (\$25 late application filing fee), **1st reading**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-01. Advertise in local newspaper.

3. Ordinance #2011-02, CHAPTER 15, Junk, Secondhand and Antique Dealers, Article II, License, Section 15-37, Application, (\$25 late application filing fee), **1st reading**

Barboza/Parella - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-02. Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

1. Tax Assessor Spagnolo - Recommended Abatelements & Additions for January, 2011

(CA) F. APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

1. Public Service Appointments
 - a. Special Constables/Fire Police

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1. Fire Chief Martin - recommended list of Special Constables/Fire Police for 2011

Councilman Teixeira nominated the slate of Special Constables/Fire Police as recommended.

There were no counter-nominations.

Teixeira/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the listed nominees for the ensuing term.

- b. Special Constables, Private Investigators, Matrons and Retiree Officers

1. Police Chief Canario - recommended list of Special Constables, Private Investigators, Matrons and Retiree Officers for 2011

Barboza/Parella - Voted unanimously to amend the list of nominees to include Councilman Teixeira as a Special Constable.

Councilman Barboza nominated the slate of Special Constables, Private Investigators, Matrons, and Retiree Officers as recommended and amended.

There were no counter-nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the list of nominees as amended for the ensuing term.

Prior to the vote taken, the Clerk observed that all Council members traditionally hold the title of Special Constable and suggested that the list of nominees might be amended to include the name of Councilman Teixeira.

- c. Harbor Master

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1. Joseph Cabral, 55 Ferry Road -
interest/reappointment

Councilman Barboza nominated Mr. Cabral for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Mr. Cabral
for the ensuing term.

d. Assistant Harbor Masters (5)

1. Matthew J. Calouro, 118 Fales Road
- interest/reappointment
2. John Motta, 87 Perry Street -
interest/reappointment
3. Alan D. Leach, 25 Pawtucket Avenue
- interest/appointment
- *AMEND ITEM** 4. David Sartrys, 36 Dewolf Avenue -
interest/reappointment

Councilman Barboza nominated Messrs. Calouro, Motta, and Sartrys for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot each in favor of Messrs.
Calouro, Motta, and Sartrys for the
ensuing term.

Parella/Teixeira - Voted
unanimously to obtain a
recommendation from the Harbor
Master concerning the appointment
of Assistant and Auxiliary Harbor
Masters.

e. Auxiliary Harbor Masters (5)

1. Nathan Gallison, 39 Ansonia Avenue,
Unit 4 - interest/reappointment

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2. Arthur M. Franco, 46 Kingswood Road
- interest/reappointment
3. Alan D. Leach, 25 Pawtucket Avenue
- interest/reappointment
4. Scott Marino, 131 Mulberry Road -
interest/reappointment

Councilman Barboza nominated Messrs. Gallison, Franco, Leach, and Marino for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted
unanimously to close nominations
and instruct the Clerk to cast one
ballot each in favor of the
nominees for the ensuing term.

- f. Bristol Housing Authority (term to
expire in January 2016)
 1. Domenic C. Canna, 117 Beach Road -
interest/reappointment
 - a. M. Candace Pansa, Executive
Director, Bristol Housing
Authority re recommendation
 - b. Elizabeth Lopes, President,
Benjamin Church Manor Tenants'
Association re recommendation

Councilman Teixeira nominated Mr. Canna for reappointment.

There were no counter-nominations.

Teixeira/Parella - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Mr. Canna,
term to expire in January 2016.

- g. Board of Tenants' Affairs (2) (terms to
expire in January 2013)
 1. Rita P. Ayres-Gaulin, 159 Bay View
Avenue - interest/reappointment

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Councilman Barboza nominated Ms. Ayres-Gaulin for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Ms. Ayres-
Gaulin with term to expire in
January 2013.

- h. North and East Burial Grounds Commission
(2) (terms to expire in January 2016)

Barboza/Teixeira - Voted
unanimously to re-notice those with
expiring terms.

- i. Tree Warden

- 1. Samuel C. Kinder, 315 Hope Street -
interest/reappointment
- 2. Carlos Medeiros, 27 Magnolia
Street, d/b/a American Tree Works -
interest/appointment

LATE ITEM

- a. RI Arborist's License of
Carlos Medeiros

Barboza/Teixeira - Voted
unanimously to instruct the Clerk
to set interviews for both
candidates at a time convenient to
the parties.

- j. Waypoyset Trust (term to expire in
January 2013)

- 1. Steven Johnson, 30 Patricia Ann
Drive - interest/reappointment

Councilman Barboza nominated Mr. Johnson for reappointment.

There were no counter-nominations.

Barboza/Parella - Voted unanimously
to close nominations and to instruct

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the Clerk to cast one ballot in favor of Mr. Johnson, term to expire in January 2013.

k. CRMC Alternate Subcommittee

1. Thomas G. Breslin, 7 Dana Road - interest/reappointment

Councilman Barboza nominated Dr. Breslin for reappointment.

There were no counter-nominations.

Parella/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Dr. Breslin, term to expire in January 2012.

1. Economic Development Commission - Alternate Members (2) (to fill vacancies, terms to expire in September 2011)

1. Ethan M. Tucker, 39 River Street - interest/appointment

Councilman Barboza nominated Mr. Tucker for appointment.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Tucker, term to expire in September 2011.

- m. Historic District Commission (2) (to fill vacancies, full member term to expire in July 2011 and auxiliary member term to expire in July 2013)

1. Thomas P. Enright, DMD, Poppasquash Road - interest/appointment

Councilman Barboza nominated Dr. Enright for appointment.

There were no counter-nominations.

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Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Dr. Enright, term to expire in July 2011.

n. Golf Course Committee

1. Council Clerk Cirillo re resignation of Louis Medeiros

Barboza/Teixeira - Voted unanimously to accept the resignation of Mr. Medeiros providing a letter of thanks, praising Mr. Medeiros for his service and also to instruct the Clerk to contact Mr. S. Michael Minutelli concerning Mr. Medeiros' successor.

o. Christmas Festival Committee

1. Additional Christmas Festival Committee members

Councilman Barboza nominated the slate of candidates as proposed and recommended.

There were no counter-nominations.

Barboza/Parella - Voted to close nominations and to instruct the Clerk to cast one ballot each in favor of those presented as nominees, for the ensuing term. Voting in favor of this motion were Council members Marshall, Barboza, and Parella. Councilman Teixeira recused himself from the discussion and vote.

Prior to the vote taken, Councilman Teixeira informed the Council that he is Chairman of the Christmas Festival Committee and therefore wished to recuse from the discussion and vote.

- (CA) 2. Public Service Appointments for February

G. LICENSING BOARD - NEW PETITIONS

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1. Scott DaSilveira, d/b/a Scott's Corporation, 280 Market Street, Warren - request for a Drainlayer's License

- a. Recommendation - Town Administrator and Director of Public Works

Parella/Barboza - Voted unanimously to grant this license per the recommendation received for a period of six (6) months and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Prior to the vote taken, Councilman Teixeira asked to know why Public Works Director Serbst recommended a six month review with Councilman Barboza explaining that all new licensees are typically granted a trial period of six months.

2. Berta Raposo for St. Elizabeth Church, 577 Wood Street - request for a One-Day Dancing and Entertainment License, January 29, 2011

- a. Recommendation - Chief of Police

Parella/Teixeira - Voted unanimously to grant this license per the recommendation received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

3. Berta Raposo for St. Elizabeth Church, 577 Wood Street - request for a One-Day Dancing and Entertainment License, February 25, 2011

- a. Recommendation - Chief of Police

Parella/Teixeira - Voted unanimously to grant this license per the recommendation received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

H. LICENSING BOARD - RENEWALS

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1. Stephen Oliveira, d/b/a S. Oliveira Construction Corp., 217 Stafford Road, Tiverton - six (6) month review of Drainlayer's License (granted July 28, 2010)

LATE ITEM

- a. Recommendation - Director of Public Works

Barboza/Parella - Voted unanimously to grant this license for a full-term per the recommendation received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

(CA) I. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

- (CA) 1. Public Works Director Serbst - Road Cut Permits

- (CA) 2. Water Pollution Control Superintendent Calderiso - Sewer Permit
3. National Grid and Verizon - request to relocate a pole on Narrows Road and install utility pole on Oak Road

- a. Recommendation - Director of Public Works

Teixeira/Parella - Voted unanimously to grant this request based upon the recommendation received.

J. PETITIONS - OTHER

1. Adrienne Burke, 4 Walnut Street re claim for property damage

Barboza/Teixeira - Voted unanimously to refer this matter to the Insurance Committee.

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2. Steven P. Calenda, 20 Parker Avenue, Warren
re request for refund of fine imposed for
working without a building permit

LATE ITEM

- a. Building Inspection Department re
enforcement of penalty in accordance
with Town Code Sec. 11-1(46)(d)

Barboza/Teixeira - Voted
unanimously to reduce the fine
imposed to \$75.

Prior to the vote taken, Mr. Calenda appeared on behalf of his brother, James. Mr. Calenda reported that he was unaware that the homeowner must obtain a building permit. He added that his brother is a licensed contractor and also the property owner.

Town Solicitor Ursillo informed the Council that the Building Official has a strong opinion that the fine, as imposed, is warranted. Town Solicitor Ursillo added that the Town has regulations in place to keep order and that the gentleman should have asked prior to proceeding with the work if the regulations were not comprehensible.

Town Solicitor Ursillo added that the Town Administration asks the Council not to waive the fee.

Council Chairman Marshall noted that the fine for working without first obtaining a building permit in the City of Newport is \$500.

Mr. Calenda agreed "that ignorance is not an excuse" but contended that his brother should be allowed additional consideration as both the contractor and owner of the property.

Councilwoman Parella asked to know if "homeowners" can work without a permit with Town Solicitor Ursillo responding that this would depend upon the degree of the project.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Melinda L. Thies, Superintendent, Bristol
Warren Regional School District - invitation
to the special meeting being held on January
31, 2011 re the impact of the funding formula
on the District

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Teixeira/Parella - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Council Chairman Marshall noted that the situation regarding the loss of State aid to education was serious and that he wishes to assure that the public is informed of this severity.

Councilman Barboza noted that the regional school district will lose \$800,000 per year with the implementation of the new funding formula. He suggested that all interested parties, especially parents of school district students should attend the meeting on January 31, 2011.

Councilwoman Parella speculated that the Towns will be unable to make-up the \$800,000 and suggested that the Town should be working through its legislators in order to amend the funding formula.

2. Assistant Town Solicitor Teitz re Superior Court decision concerning "Executive Sessions" under the Open Meetings Act

Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, it was noted that the Town Solicitor will work with the Clerk to fulfill the requirements of these regulations on upcoming Council dockets.

3. Jonathan Stone, Executive Director, Save The Bay - invitation to a workshop being held on February 3, 2011 re water pollution issues

Teixeira/Barboza - Voted
unanimously to receive and place
this matter on file.

4. Karen Zagorski and Anne Bartoszuk, Board Members, Bristol Warren Education Foundation re request opportunity to provide information on the upcoming 3rd Annual Bodacious Bee

Barboza/Teixeira - Voted
unanimously to sponsor a "team" for
this event, appropriating \$300 from
the Council Contingency Fund for

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this purpose to include Councilman Teixeira and also town Department Heads.

Prior to the vote taken, Ms. Zagorski thanked the Council for its past participation and welcomed same to be a participant at the third-annual event to be held on March 18, 2011 at Roger Williams University. She provided a palm card with details of the event for the record.

She also explained that the Bristol Warren Education Foundation provides approximately \$49,000 in grants to teachers and school staff for programs "outside the scope" of the regular school curriculum. She added that the cost to sponsor a team is \$300 and attendee tickets are \$50 each.

Council Chairman Marshall congratulated the foundation upon its past success.

5. Cheryl A. Fernstrom, CMC, Town Clerk of Jamestown re resolution in support of extended producer responsibility

Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file.

6. Fire Chief Martin re request for capital funds commitment, fiscal year 2011-2012 (Engine 1 replacement)

Barboza/Teixeira - Voted
unanimously to obligate funds from
the 2011-2012 Budget in order to
secure the grant funding of
\$175,000 with the source of funds
to be determined by the Town
Administrator and Town Treasurer.

Prior to the vote taken, Fire Chief Martin reported that the Department requested replacement of Engine 1 but agreed to "step-back" due to fiscal constraints. He added that he currently holds \$250,000 in the Department's capital account for this purpose.

Councilman Barboza explained that the grant from the Department of Environmental Management is for "clean diesel engines" and that the Town must agree to expend the funds in order to receive the grant. He added that the Department plans to "piggy back" its purchase upon a fully-bid purchase

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of another community for a similar truck and eliminate the need to use the bidding procedure.

Council Chairman Marshall asked to know when the Town must have its funds available to pay for the vehicle with Fire Chief Martin responding that this issue will be negotiated with the manufacturer.

Councilman Barboza noted that the purchase appears to be necessary since the current Engine 1 "is on life support."

A discussion ensued regarding the fees available from the review of building plans with Fire Chief Martin reporting that these were mostly expended on the new Headquarters building. It was noted that there are currently no major building projects in process and significant inspection fees are not being assessed.

A discussion ensued regarding the Roger Williams University commitment to provide \$100,000 toward emergency vehicles with Council Chairman Marshall reminding the Council that the University agreement is in its 5th year making the payment due next year. He suggested that the University might be asked to amend its agreement and provide the payment one year earlier.

After the vote taken, Council Chairman Marshall asked to know if the existing Engine 1 will yield an allowance for a trade-in with Fire Chief Martin noting that the grant requires that an inefficient diesel engine must be destroyed. He added that the Town may try to substitute another, older, back up diesel fire engine for this purpose and replace that particular engine with the existing Engine 1. He agreed to keep the Council informed regarding this matter.

7. Council Clerk Cirillo - draft Budget Workshop Schedule for fiscal Year 2011-2012

Parella/Teixeira - Voted unanimously to adopt this schedule, as amended, adding duplicate entries for the Town Administrator, Town Council, Town Clerk's departments, and the Town Treasurer's departments.

Prior to the vote taken, Councilwoman Parella noted that it may be advisable to have more options for discussing the department budgets of those who attend all budget workshops.

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8. Council Chairman Marshall re maintenance of Hope Street sidewalks/crosswalks in vicinity of schools

LATE ITEM

- a. Town Administrator Mederos to Michael P. Lewis, Director, Department of Transportation re request for consideration to include sidewalk improvements in areas of Hope Street outlying downtown in the upcoming Hope Street project

Teixeira/Parella - Voted unanimously to continue this matter until the meeting of February 16, 2011 in order to coordinate a schedule in which options may be explored.

Prior to the vote taken, Council Chairman Marshall noted that some sidewalk areas are found to be in poor condition and also that the Town has occasionally repaired State-owned sidewalks with Town funds.

A discussion ensued with Council members noting that a large portion of sidewalk along Route 114 is in need of repair and/or replacement.

Council Chairman Marshall noted that he did not wish for this additional concern to hold-up the plans to rehabilitate Hope Street which includes repairs to sidewalks but suggested that the Town should plan to examine all of the sidewalks along the road in order to set priorities. He added that Planner Tanner has good experience with sidewalk renewal and perhaps that he might be able to help with the prioritization.

Council Chairman Marshall added that the Town may wish to also develop a cost estimate and also to invite State Department of Transportation to participate in the examination of the sidewalks along the entire route.

Councilman Teixeira agreed with Council Chairman Marshall and stated that it is very difficult to walk along the sidewalks leading to Warren which are in very poor condition.

Council Chairman Marshall added that he is aware that Town Administrator Mederos has the same concerns and he is of the

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opinion that the solution to the problem lies in a State/Town collaborative effort.

9. Council Chairman Marshall re discussion concerning the appointment of a planning committee to oversee the transfer of the Quinta-Gamelin Army Reserve Center

Teixeira/Barboza - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Council Chairman Marshall noted that plans were progressing regarding the Town's acquisition of the Quinta-Gamelin Center and stated that the Council would like to "be a component" in this planning, working "hand-in-hand" with the Recreation Department.

Council Chairman Marshall noted that the Council's participation will assure that the project will remain in the forefront.

Councilman Teixeira agreed that he would like to be a part of the planning committee and that the Recreation Department liaisons should be kept apprised of the progress.

Recreation Director Burke reported that he received electronic copies of the building's blueprints which appear to be incomplete. He added that some of the details on the building's interior arrangement are confidential since the U. S. Army continues to utilize the building.

Recreation Director Burke informed the Council that he plans to contact the BRAC Coordinator, Gary Puryear in order to get more accurate interior dimensions.

Recreation Director Burke added that he is running programs including Zumba classes at Reynolds School and plans to begin others including citizenship classes in order to "roll" these in the Quinta-Gamelin Center when it becomes available for Town use.

Councilman Teixeira asked to have a tour of the Quinta-Gamelin Center with Recreation Director Burke responding that this is difficult due to the restrictions related to the Army use.

Council Chairman Marshall commended Recreation Director Burke for his utilization of "community service hours" with Recreation Director Burke responding that the interior of

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the Reynolds School was repaired and painted through the utilization of those who were required to provide community service.

- *AMEND ITEM** 10. (Sandra Matrone Mack, Bond Counsel) -
Borrowing Resolutions re General Obligation
Bonds

Barboza/Teixeira - Voted
unanimously to adopt these
resolutions as prepared and
presented.

L. BILLS & EXPENDITURES

1. Bid #719 - Phase II Sewer Rehabilitation

Barboza/Parella - Voted unanimously
to refer this matter to the Town
Administrator and Water Pollution
Control Superintendent to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bids
as received:

Insituform Technologies	Chesterfield, MO	\$522,835
Reynolds Inliner	Fairfield, ME	526,305
Grn. Mtn. Pipeline Serv.	Slingerlands, NY	516,416

2. Bid #722 - Replacement of Storm Windows
(Dreadnaught Fire Station)

Barboza/Parella - Voted unanimously
to refer this matter to the Town
Administrator and Director of
Community Development to act in the
best interest of the Town.

Prior to the vote taken, the Clerk read the following bids
as received:

Highland Restoration	W. Kingston, RI	\$16,241.84
Custom Built Window	Warwick, RI	13,322.00
Heritage Restoration	Providence, RI	9,450.00
Metro Installations	Warwick, RI	14,300.00
Peter C. Paltrineri	Bristol, RI	10,846.00

3. Bid #723 - Installation of Waste Oil Heater
(Department of Public Works)

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Barboza/Teixeira - Voted
unanimously to refer this matter to
the Town Administrator and Director
of Community Development to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bid as
received:

Central Systems, Co. Bridgewater, MA \$12,344

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

**Approval of consent agenda="Motion to receive and place this
item on file."**

1. (Town Treasurer Goucher) re Revenue and
Expenditure Statement, January 20, 2011

P. PROCLAMATIONS & CITATIONS

1. Commendation - Bristol Snowflake Raffle
Committee, promotion of commerce in the Town

Barboza/Teixeira - Voted
unanimously to adopt this
commendation as prepared and
presented.

2. Proclamation - Raymond Castro, years of
service in Fire Department

Barboza/Teixeira - Voted
unanimously to adopt this
proclamation as prepared and
presented.

3. Proclamation - John F. McKenna III, years of
service in Fire Department

Barboza/Teixeira - Voted
unanimously to adopt this
proclamation as prepared and
presented.

(CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and
filed by Council)

Approval of consent agenda="Motion to receive and place these items on file."

1. Warrant - Lawrence C. Lavers, Historic District Advisory Committee
2. Warrant - Judith Anderson, Historic District Advisory Committee
3. Warrant - Thomas Enright, Historic District Advisory Committee
4. Warrant - Gary Watros, Historic District Advisory Committee
5. Warrant - Clifford Drawbridge, Historic District Advisory Committee
6. Warrant - William Campbell, Historic District Advisory Committee
7. Warrant - John D. Barton, Historic District Advisory Committee
8. Warrant - Mary A. Parella, Historic District Advisory Committee
9. Warrant - John Allen, Historic District Advisory Committee
10. Warrant - Diane M. Williamson, Historic District Advisory Committee
11. Coastal Resources Management Council - January 2011 Calendar
12. Council Clerk Cirillo to Sen. David E. Bates et al re request for support of resolution to amend RIGL § 17-11-1, removing the limit of 1900 voters per polling place (signed resolution attached)
13. Junk and Second Hand Dealer's License Renewal petitions (granted January 5, 2011)
14. Coastal Resources Management Council - semi-monthly meeting, January 11, 2011
15. Warrant - Oryann Lima, Juvenile Hearing Board

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16. Warrant - Robert Aldrich, Redevelopment Agency
17. Warrant - Ronald J. Rodrigues, Redevelopment Agency
18. Warrant - Joseph DeMelo, Personnel Board
19. Warrant - Owen E. Trainor 3rd, Conservation Commission
20. Warrant - Lindsay Green, Conservation Commission
21. Warrant - Raymond P. Payson, Conservation Commission
22. Warrant - Albert E. Proffitt, Board of Tax Assessment Review
23. Council Clerk Cirillo to Jonathan Stone, Executive Director, Save The Bay re request for report on LNG matching fund program
24. Gerald J. Coyne, Deputy Attorney General to Town Clerk Cirillo re notice to be posted advising of rights under the Open Meetings Act and Access to Public Records Act
25. (Bristol County Water Authority) re BCWA in the News, miscellaneous correspondence January 2011
26. Warrant - Timothy A. Pray, Historic District Advisory Committee
27. Class F Intoxicating Beverage License granted to Roger Williams University, 1 Old Ferry Road for event to be held on January 14, 2011
28. Peter Lockwood, Coordinator, RI Urban & Community Forestry Program re requirement for posting notice of public tree removal
29. Warrant - Lombard Pozzi, Historic District Advisory Committee
30. Council Clerk Cirillo to Bristol BCWA Directors et al re request to attend and

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respond to questions at January 25, 2011
Bristol East Bay Patriots, Citizens' Watch
Committee meeting (questions attached)

31. Town Administrator Mederos to Weld Power Service Company, Inc. of Auburn, Massachusetts re award of Bid #717 - Service Contract for Emergency Generators (WPCF)
32. Holiday Sales License Renewal petitions (granted November 10, 2010)
33. Dale S. Holberton, Town Clerk of South Kingstown re request for consideration of resolution supporting efforts to bring the America's Cup races back to Newport
34. Karin H. Clancey, Deputy Town Clerk of Middletown re request for support of resolution to amend RIGL § 17-11-1, removing the limit of 1900 voters per polling place
35. 2011 Bristol Harbor and Dock Waiting Lists (provided by Harbor Master's Office, January 19, 2011)

Teixeira/Barboza - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Teixeira stated that it was interesting to read that some persons have been on the dock and mooring waiting list since 2001.

Councilman Barboza stated that the waiting list is published periodically in order to provide "transparency."

Councilman Teixeira agreed that it was a good idea to publish this list.

Council Chairman Marshall observed that the waiting list proves that there are more persons seeking dock and mooring space than what is available.

36. Director of Parks and Recreation Burke to Town Administrator Mederos re review of Quinta-Gamelin "Recreation Center"

It is hereby noted for the record that this matter was discussed in combination with agenda item K9.

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37. Christopher Gray, Chairman, LNG Working Group et al re request to divest municipal retirement funds of Hess stock
38. Karin H. Clancey, Deputy Town Clerk of Middletown re request for support of resolution to attract Preliminary America's Cup races to Newport
39. Bristol Warren Regional School District - Basic Financial Statements and required supplementary information, year ended June 30, 2010 (Braver, PC)

Barboza/Parella - Voted unanimously to receive and place this matter on file.

40. Vincent J. Palumbo, P.E., RI Department of Transportation to Town Administrator Mederos re Metropolitan Providence Bicycle Facility Assessment Project
41. Council Clerk Cirillo to Sen. David E. Bates et al re Charter amendments (legislation and approved Charter amendments attached)
42. Council Clerk Cirillo to Gina M. Raimondo, General Treasurer re request for advice concerning divesting municipal retirement funds of Hess stock

(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS
(office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Zoning Board of Review - November 1, 2010
2. Recreation Board - January 11, 2011
3. Bristol Warren Regional School District - schedule of meetings, week of January 10, 2011
4. Bristol Warren Regional School Committee - workshop, January 10, 2011

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5. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - January 10, 2011
 6. Harbor Commission - January 10, 2011
 7. Historic District Advisory Committee - January 13, 2011
 8. Bristol County Water Authority - February 2011 meetings
 9. Bristol Warren Regional School District - schedule of meetings, week of January 17, 2011
 10. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - January 18, 2011
 11. Animal Shelter Capital Project Committee - January 13, 2011
 12. North and East Burial Grounds Commission - January 24, 2011
 13. Police Pension Fund Board of Trustees - January 13, 2011
- S. TOWN SOLICITOR
- Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS
1. MARSHALL
 - a. Thank you Mike Davis - Council Chairman
Marshall thanked Mr. Davis for taping this evening's meeting and also for taping the public forum on the Bristol County Water Authority held last evening.
 - b. Snow Removal - Council Chairman Marshall commended the various departments involved in the recent snow emergencies. He added that Bristol's efforts toward this end are considered a "model" for other communities.
 - c. Cross Walks - Council Chairman Marshall noted that some of the cross walks along Hope Street have not been thoroughly cleared. He referred

this matter to the Administration and asked that the sidewalk plowing personnel should be made aware of the need to clear the cross walks.

Councilwoman Parella observed that cross walks near area churches were also in need of a more careful cleaning.

Council Chairman Marshall noted that the cross walk in the vicinity of Thomas Park was also obstructed by a snow bank and dangerous.

2. BARBOZA

a. Yeoman's Effort - Councilman Barboza observed that the Department of Public Works made a "yeoman's effort" to mitigate the snow and ice.

b. Happy Birthday Mike Davis - Councilman Barboza noted that videographer Mike Davis' birthday is Friday, January 28.

c. Food Drive - Councilman Barboza announced that the Bristol Rotary/Bristol Fire and Rescue food drive will be held on Sunday, January 30, 2011 beginning at 11:30 o'clock AM. He added that those persons wishing to make a donation may also drop off non-perishable foodstuffs at the Dreadnaught Fire Station at the corner of Church and High Streets on January 30.

d. Anthony Marshall - Councilman Barboza acknowledged the presence in Chambers of Anthony Marshall who is the son of Council Chairman Marshall and serving in the United States Marine Corps.

3. TEIXEIRA

a. Ride Along - Councilman Teixeira reported that he rode along with Department of Public Works employee Paul Drolet on a snow-plowing route.

b. Warren Times-Gazette - Councilman Teixeira noted that the Warren Times-Gazette in its "New Year's Resolutions" noted that the Bristol County Water Authority was in need of greater accountability. He added that he attended a meeting of the Authority on January 12, 2011 and found some authority directors to be "arrogant."

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He added that a discussion took place at the meeting on January 12 when authority directors were discouraged from attending the public forum to be held on January 25, 2011. He stated that he was "more than disappointed" to hear this discussion.

Councilman Teixeira reminded the Council of his earlier raised concern for the Harbor Commission and added that perhaps some of the Town's board and commission members have become "too comfortable" in their positions and that the Council may wish to address this matter with its appointees.

Council Chairman Marshall agreed with Councilman Teixeira and stated that the various board and commission members represent the Council and that the Council should be concerned if these persons are not representing the Council properly.

Councilman Teixeira also noted that at the meeting held concerning the proposed street abandonment for the Housing Authority one Town board member was openly rude to an elderly person and stated "just get another cup of coffee and shut up." Councilman Teixeira stated that he finds this behavior to be unacceptable.

4. HERRESHOFF

5. PARELLA

a. Mike Davis' Birthday - Councilwoman Parella also extended best wishes to Mr. Davis upon the occasion of his birthday.

b. Department Commendation - Councilwoman Parella noted that the recent bad weather was particularly demanding and congratulated the Town's various departments upon their management of same on behalf of the Town.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

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There being no further business upon a motion by Councilman Barboza, seconded by Councilman Teixeira and voted unanimously, the Chairman declared this meeting to be adjourned at 10:08 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk